

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 1108 & 1181, Page 22, Section 556.021,
2 Line 23, by inserting after all of said section and line the following:

3
4 "558.019. 1. This section shall not be construed to affect the powers of the governor under
5 Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those provisions of
6 section 565.020, section 566.125, or section 571.015, which set minimum terms of sentences, or the
7 provisions of section 559.115, relating to probation.

8 2. The provisions of subsections 2 to 5 of this section shall only be applicable to the offenses
9 contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072,
10 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300,
11 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068,
12 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145,
13 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045,
14 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class
15 A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a
16 class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200,
17 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when
18 punished as a class A felony, 575.210, 575.230 when punished as a class B felony, 575.240 when
19 punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706,
20 579.065, and 579.068 when punished as a class A or B felony. For the purposes of this section,
21 "prison commitment" means and is the receipt by the department of corrections of an offender after
22 sentencing. For purposes of this section, prior prison commitments to the department of corrections
23 shall not include an offender's first incarceration prior to release on probation under section 217.362
24 or 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has been
25 found guilty of a felony other than a dangerous felony as defined in section 556.061 and is
26 committed to the department of corrections shall be required to serve the following minimum prison
27 terms:

28 (1) If the offender has one previous prison commitment to the department of corrections for
29 a felony offense, the minimum prison term which the offender must serve shall be forty percent of
30 his or her sentence or until the offender attains seventy years of age, and has served at least thirty
31 percent of the sentence imposed, whichever occurs first;

32 (2) If the offender has two previous prison commitments to the department of corrections
33 for felonies unrelated to the present offense, the minimum prison term which the offender must
34 serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age,
35 and has served at least forty percent of the sentence imposed, whichever occurs first;

36 (3) If the offender has three or more previous prison commitments to the department of

Action Taken _____ Date _____

1 corrections for felonies unrelated to the present offense, the minimum prison term which the
2 offender must serve shall be eighty percent of his or her sentence or until the offender attains
3 seventy years of age, and has served at least forty percent of the sentence imposed, whichever
4 occurs first.

5 3. Other provisions of the law to the contrary notwithstanding, any offender who has been
6 found guilty of a dangerous felony as defined in section 556.061 and is committed to the department
7 of corrections shall be required to serve a minimum prison term of eighty-five percent of the
8 sentence imposed by the court or until the offender attains seventy years of age, and has served at
9 least forty percent of the sentence imposed, whichever occurs first.

10 4. For the purpose of determining the minimum prison term to be served, the following
11 calculations shall apply:

12 (1) A sentence of life shall be calculated to be thirty years;

13 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
14 offenses committed at or near the same time which is over seventy-five years shall be calculated to
15 be seventy-five years.

16 5. For purposes of this section, the term "minimum prison term" shall mean time required to
17 be served by the offender before he or she is eligible for parole, conditional release or other early
18 release by the department of corrections.

19 6. (1) An offender who was convicted of, or pled guilty to, a felony offense other than those
20 offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer be subject to
21 the minimum prison term provisions under subsection 2 of this section, and shall be eligible for
22 parole, conditional release, or other early release by the department of corrections according to the
23 rules and regulations of the department.

24 (2) Notwithstanding any other provision of law, on or after August 28, 2023, no individual
25 convicted of a sexually violent crime, as defined in section 632.480, or an offense under chapter 566
26 shall be eligible for probation or parole and shall serve one hundred percent of any sentence
27 imposed.

28 7. (1) A sentencing advisory commission is hereby created to consist of eleven members.
29 One member shall be appointed by the speaker of the house. One member shall be appointed by the
30 president pro tem of the senate. One member shall be the director of the department of corrections.
31 Six members shall be appointed by and serve at the pleasure of the governor from among the
32 following: the public defender commission; private citizens; a private member of the Missouri Bar;
33 the board of probation and parole; and a prosecutor. Two members shall be appointed by the
34 supreme court, one from a metropolitan area and one from a rural area. All members shall be
35 appointed to a four-year term. All members of the sentencing commission appointed prior to
36 August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of
37 the governor.

38 (2) The commission shall study sentencing practices in the circuit courts throughout the
39 state for the purpose of determining whether and to what extent disparities exist among the various
40 circuit courts with respect to the length of sentences imposed and the use of probation for offenders
41 convicted of the same or similar offenses and with similar criminal histories. The commission shall
42 also study and examine whether and to what extent sentencing disparity among economic and social
43 classes exists in relation to the sentence of death and if so, the reasons therefor, if sentences are
44 comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation
45 based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other
46 duties relevant to the research and investigation of disparities in death penalty sentencing among
47 economic and social classes.

48 (3) The commission shall study alternative sentences, prison work programs, work release,
49 home-based incarceration, probation and parole options, and any other programs and report the

1 feasibility of these options in Missouri.

2 (4) The governor shall select a chairperson who shall call meetings of the commission as
3 required or permitted pursuant to the purpose of the sentencing commission.

4 (5) The members of the commission shall not receive compensation for their duties on the
5 commission, but shall be reimbursed for actual and necessary expenses incurred in the performance
6 of these duties and for which they are not reimbursed by reason of their other paid positions.

7 (6) The circuit and associate circuit courts of this state, the office of the state courts
8 administrator, the department of public safety, and the department of corrections shall cooperate
9 with the commission by providing information or access to information needed by the commission.
10 The office of the state courts administrator will provide needed staffing resources.

11 8. Courts shall retain discretion to lower or exceed the sentence recommended by the
12 commission as otherwise allowable by law, and to order restorative justice methods, when
13 applicable.

14 9. If the imposition or execution of a sentence is suspended, the court may order any or all
15 of the following restorative justice methods, or any other method that the court finds just or
16 appropriate:

17 (1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the
18 offender's actions;

19 (2) Offender treatment programs;

20 (3) Mandatory community service;

21 (4) Work release programs in local facilities; and

22 (5) Community-based residential and nonresidential programs.

23 10. Pursuant to subdivision (1) of subsection 9 of this section, the court may order the
24 assessment and payment of a designated amount of restitution to a county law enforcement
25 restitution fund established by the county commission pursuant to section 50.565. Such contribution
26 shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited
27 into the county law enforcement restitution fund pursuant to this section shall only be expended
28 pursuant to the provisions of section 50.565.

29 11. A judge may order payment to a restitution fund only if such fund had been created by
30 ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not
31 have any direct supervisory authority or administrative control over any fund to which the judge is
32 ordering a person to make payment.

33 12. A person who fails to make a payment to a county law enforcement restitution fund may
34 not have his or her probation revoked solely for failing to make such payment unless the judge, after
35 evidentiary hearing, makes a finding supported by a preponderance of the evidence that the person
36 either willfully refused to make the payment or that the person willfully, intentionally, and
37 purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

38 13. Nothing in this section shall be construed to allow the sentencing advisory commission
39 to issue recommended sentences in specific cases pending in the courts of this state."; and

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41 Further amend said bill by amending the title, enacting clause, and intersectional references
42 accordingly.